

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
James Ryan Hackney
Certificate 286663

CONSENT ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 10, 2020. On May 2, 2019, the South Carolina Department of Education (SCDE) sent James Ryan Hackney a notice letter by certified mail, return receipt, restricted delivery, and regular mail, regarding possible action against his educator certificate. After receiving the notice letter, Mr. Hackney contacted the SCDE and advised that he desired to waive his right to a hearing and wished to pursue an alternative resolution in this matter. Mr. Hackney has agreed to this Consent Order of Suspension. After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension of Mr. Hackney's educator certificate for a period of one year, commencing on November 12, 2019, and ending on November 10, 2020. Further, Mr. Hackney has agreed to submit a letter from an SCDE-approved professional stating he is fit to return to work prior to his reinstatement.

FINDINGS OF FACT

Mr. Hackney holds a valid South Carolina professional educator certificate and has over fourteen years of educator experience. He has no prior record of disciplinary action with the State Board. At the time of the incident, Mr. Hackney was employed by the Greenville County School District (District) as the band director at Eastside High School (School).

On March 13, 2019, Mr. Hackney was placed on administrative leave after concerns with his behavior were brought to School administration. Students were concerned with Mr. Hackney's mood swings, which some students described as volatile.

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It was further alleged Mr. Hackney spoke of his personal relationship and health issues during instructional time. Allegations further included discussions of Mr. Hackney's past inappropriate behavior during his youth. Improper language was allegedly used during these discussions. On March 19, 2019, Mr. Hackney resigned from the District.

Mr. Hackney has agreed to waive his right to a hearing and to resolve this disciplinary matter by entering into an alternate resolution to the action against his educator certificate. Further, Mr. Hackney has agreed to submit a letter from a SCDE approved professional stating he is fit to return to work prior the reinstatement of his educator certification. After considering the evidence presented, the State Board voted to accept the Consent Order of Mr. Hackney's educator certificate for a period of one year, commencing on November 12, 2019, and ending on November 10, 2020.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2017); S.C. Code Ann. § 59-25-160 (2017). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). The State Board finds that the evidence presented demonstrates that Mr. Hood engaged in unprofessional conduct by using inappropriate language and discussing inappropriate topics during instructional time. The State Board further finds that just cause exists for the suspension of Mr. Hackney's educator certificate for a period of one year, commencing on November 12, 2019, and ending on November 10, 2020.

Now, therefore, it is ordered that the educator certificate of James Ryan Hackney certificate 286663, is suspended for a period of one year, commencing November 12, 2019, and ending on November 10, 2020.

If Mr. Hackney wishes to have his certificate reinstated at the conclusion of the period of suspension, he shall make a written request to the SCDE's Office of Educator Services. Mr. Hackney will be responsible for submitting a letter from an SCDE-approved

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professional stating he is fit to return to work prior to his reinstatement. Mr. Hackney shall be responsible for meeting all certification requirements in effect at the time he requests reinstatement and for the payment of any applicable reinstatement fees. The suspension of Mr. Hackney's educator certificate shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

S,Michael Brenan

Michael Brenan, Chair

Columbia, South Carolina
November 10, 2020

I, James Ryan Hackney, S.C. Educator Certificate 286663, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand that the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I have read the Consent Order of Suspension, consisting of three pages, and I freely and voluntarily agree to the terms set forth therein. I understand that this Order will be presented to the South Carolina State Board of Education for approval on Tuesday, November 10, 2020. I understand this Consent Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of "/s/ name" for required website publication.

James R. Hackney

James Ryan Hackney

10/23/20

Date